

**Appl. No.** : **09/641,591**  
**Filed** : **August 18, 2000**

## **II. SUMMARY OF INTERVIEW**

Applicant would like to thank Examiner Stevens for the telephonic interview extended to Applicant's counsel of record, Arthur S. Rose and Amy C. Christensen, on January 4, 2005. During the interview, Applicant's counsel, Examiner Stevens and Primary Examiner Russel Fried discussed the new matter objection and the objection relating to the Information Disclosure Statement. In addition, the parties discussed the 35 U.S.C. § 112 rejections and the features of U.S. Patent No. 6,271,760 issued to Watanabe et al ("the Watanabe patent"). Examiner Stevens directed Applicant's counsel to review, in particular, Column 5, Lines 46–59 of the Watanabe patent.

Furthermore, Applicant has received the Examiner's Interview Summary ("Summary") and would like to clarify some of the statements in the Summary.

### **A. Improper IDS**

The Examiner agreed to withdraw the objection based on the "improper IDS." The citation on Page 9, Lines 1–2 of the present application to the Precision Strain Gauge of Omega Engineering identifies an example of a product that may be used in one embodiment of the invention. Applicant identifies this example of a strain gauge in order to, among other things, make certain that enablement requirements have been satisfied. See M.P.E.P § 2164. The identification of this gauge is not an attempt to submit an information disclosure statement reference. The Examiner agreed to withdraw the objection based on the "improper IDS" in light of our discussion.

### **B. "Passive Feedback"**

The Examiner agreed to withdraw the rejection of Claim 26 based on 35 U.S.C. § 112, 1st paragraph, as to the use of the term "passive feedback" and to allow Applicant's amendments to the specification. As discussed in the interview, the term "passive feedback" was included in the claims as originally filed. In addition, Applicant's counsel indicated how haptic feedback may, in some embodiments, provide some type of physical feedback, whereas passive feedback may include some type of physical feedback, but may also include other non-physical feedback such as, for example, visual feedback.

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**C. "Signal Generator"**

The Examiner agreed to withdraw the rejection of Claim 11 based on 35 U.S.C. § 112, 1st paragraph, as to the use of the term "signal generator"

**D. "Adapted"**

The Examiner agreed to withdraw the rejection of Claim 11 based on 35 U.S.C. § 112, 2nd paragraph, as to the use of the term "adapted." Applicant's counsel explained that the reason for the word "adapted" was to clarify that Applicant was not claiming the human body.

**E. "Substantially"**

The Examiner agreed to withdraw the rejection of Claims 4, 15, 23, 30 and 35 based on 35 U.S.C. § 112, 2nd paragraph, as to the use of the term "substantially." Applicant's counsel explained that the use of the term "substantially" is definite and is an acceptable word in accordance with the M.P.E.P. Claims need only reasonably apprise those skilled in the art as to their scope to satisfy the definiteness requirement. See M.P.E.P. § 2173.05(b); *see also Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1385, 231 U.S.P.Q. 81 (Fed. Cir. 1986). In addition, several cases have held use of the word "substantial" or "substantially" to satisfy the definiteness requirement. See M.P.E.P. § 2173.05(b)(D); *see also York Prods., Inc., v. Central Tractor Farm & Family Center*, 99 F.3d 1568, 40 U.S.P.Q.2d 1619 (Fed. Cir. 1996).

### III. REMARKS

#### A. NON-PRIOR ART OBJECTIONS AND REJECTIONS

Claims 1–54 are pending in this application. In the Office Action mailed October 22, 2004, the Examiner makes several non-prior art objections and rejections, each of which is discussed in more detail below. Furthermore, some of these objections and rejections are also addressed in the “Summary of the Interview” section of this paper.

##### 1. Information Disclosure Statement

The Examiner objects to the citation in the specification to the Precision Strain Gauge of Omega Engineering as lacking a publication date. As discussed in Applicant's interview summary, Applicant respectfully traverses the Examiner's objection, and the Examiner has agreed to withdraw the objection.

##### 2. Rejection of Claims 11 and 26 under 35 U.S.C. § 112, 1st paragraph

The Examiner rejects Claims 11 and 26 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the written description requirement. In particular, the Examiner states that “descriptions and purpose of signal generators and passive feedback networks/functions are significant integral tools of the invention worth detailing.”

As discussed in Applicant's interview summary, Applicant respectfully traverses the Examiner's rejection, and the Examiner has agreed to withdraw the rejections of Claims 11 and 26.

##### 3. Rejection of Claims 4, 11, 15, 23–41 and 45 under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejects Claims 4, 11, 15, 23, 30, 35 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner rejects the use of the terms “substantially” and “adapted.” As discussed in Applicant's interview summary, Applicant respectfully traverses the Examiner's rejection with respect to 35 U.S.C. § 112, second paragraph, and the Examiner has agreed to withdraw this rejection.

The Examiner also rejects Claims 23–41 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner rejects the use of the term “system.” Applicant respectfully traverses the Examiner's rejection and submits that the

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use of the term "system" does not render Claims 23–41 indefinite. Thus, Applicant respectfully requests the Examiner to withdraw this rejection.

**4. Objection under 35 U.S.C. § 132**

The Examiner objects to the amendment to the specification filed by Applicant on August 2, 2004, as introducing new matter. In particular, the Examiner objects to the addition of the phrase "passive" in front of the term "feedback" in the paragraph on Page 25, Line 30 through Page 26, Line 7.

Applicant respectfully traverses this objection and notes that the term "passive feedback" was included in the claims as originally filed and is, therefore, not new matter. As discussed in Applicant's interview summary, the Examiner has agreed to withdraw this objection

**B. COMMENTS/ARGUMENTS REGARDING PRIOR ART REJECTIONS**

The Examiner rejects Claims 6–14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,271,760 to Watanabe et al. ("Watanabe"). The Examiner further rejects Claims 15–22 and 52–54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,275,213 to Tremblay et al. ("Tremblay"). The Examiner rejects Claims 1–5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,183,259 to Macri et al. ("Macri") in view of Watanabe. The Examiner rejects Claims 23–34 and 39–44 under 35 U.S.C. § 103(a) as being unpatentable over Macri et al. in view of Watanabe and in further view of U.S. Patent No. 5,734,421 to Maguire, Jr. ("Maguire"). The Examiner further rejects Claims 35–38 and 45–51 under 35 U.S.C. § 103(a) as being unpatentable over Macri in view of Watanabe and in further view of Maguire with U.S. Patent No. 6,042,555 to Kramer et al. ("Kramer").

By the foregoing amendment, Applicant has amended Claim 15. Thus, Applicant respectfully requests reconsideration of Claim 15 as amended and Claims 1–14, 16–54 as originally filed or previously pending.

**C. REJECTION OF CLAIMS 6–22 AND 52–54 UNDER 35 U.S.C. § 102(e)**

The Examiner rejects Claims 6–14 under 35 U.S.C. § 102(e) as being anticipated by Watanabe. The Examiner further rejects Claims 15–22 and 52–54 under 35 U.S.C. § 102(e) as being anticipated by Tremblay.

**1. Claim 6**

With respect to Claim 6, the Examiner asserts that Watanabe “teaches a human body detector for a seat.” The Examiner also asserts that Watanabe discloses “providing an immobilizing device which holds a portion of the user’s body immobile” and “providing vibrating devices . . . positioned to touch the immobilized portion of the user’s body near muscles which would extend if the immobilized portion of the user’s body moved.” Furthermore, the Examiner asserts that Watanabe discloses “sending signals from the processing unit to the vibrating devices to cause the vibrating devices to vibrate” and that the “vibrating devices . . . vibrate to cause feedback indicating that the immobilized portion of the user’s body is moving.”

Applicant respectfully traverses this rejection and the Examiner’s characterization of the cited reference. In general, Watanabe appears to disclose a vibration detector usable to detect the presence or absence of a human body on a seat (see Col. 6, Lines 22–26). In particular, as described in a portion of Watanabe cited by the Examiner, a vibration detection means 5 “receives the vibration of a human body” (Col. 21, Lines 28–29), such as movement caused by respiration or a heart beat. Furthermore, the “vibration detection means is disposed in part of the seat so that its existence may not be felt by the human body seated on the seat” (emphasis added) (Col. 25, Lines 62–64).

Watanabe does not, however, disclose “providing an immobilizing device which holds a portion of the user’s body immobile.” Rather, the seat in Watanabe does not immobilize a user positioned on the seat but allows for free movement by the user.

Furthermore, Watanabe does not disclose the vibrating devices recited in Claim 6. In particular, Watanabe does not disclose providing “vibrating devices . . . positioned to touch the immobilized portion of the user’s body.” Rather, the vibration detection devices in Watanabe are disposed so as to not be felt by one positioned on the seat. In addition, the portion of Watanabe cited by the Examiner does not disclose

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“sending signals from the processing unit to the vibrating devices to cause the vibrating devices to vibrate.” Rather, the vibration detection means 5 receives vibrations from movement of the human body and/or movement of the seat in which the vibration detection means is enclosed.

In addition, the vibration detection devices in Watanabe do not “vibrate to provide feedback indicating that the immobilized portion of the user’s body is moving.” Rather, the vibration detection devices are used to detect the vibration of a human positioned on a seat so as to distinguish between a human positioned on the seat and another (non-human) object positioned on the seat. Watanabe does not disclose vibration devices that touch the user and that vibrate to provide feedback to the user.

Thus, Applicant respectfully submits that Watanabe fails to disclose every element of Claim 6, and Applicant respectfully requests that the rejection of Claim 6 be withdrawn.

## **2. Claims 7–9**

Claims 7–9, which depend from Claim 6 and include all the limitations of Claim 6, are believed to be patentable for the same reasons stated above with respect to Claim 6 and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 7–9 and the Examiner’s characterization of the cited reference as applied to Claims 7–9. Since the prior art reference fails to disclose every element of Claims 7–9, Applicant respectfully requests that the rejection of Claims 7–9 be withdrawn.

## **3. Claim 10**

With respect to Claim 10, the Examiner asserts that Watanabe “teaches a human body detector for a seat.” The Examiner also asserts that Watanabe discloses an input system comprising “an immobilizing device which restricts the motion of a portion of the user’s body” and “a vibrating device disposed substantially adjacent to a nerve spindle of a muscle of the user’s body.”

Applicant respectfully traverses this rejection and the Examiner’s characterization of the cited reference. In general, as discussed above with respect to Claim 6, Watanabe appears to disclose a vibration detector usable to detect the presence or absence of a human body on a seat (see Col. 6, Lines 22–26). In particular, Watanabe

discloses that a vibration detection means 5 “receives the vibration of a human body” (Col. 21, Lines 28–29), such as movement caused by respiration or a heart beat. Furthermore, the “vibration detection means is disposed in part of the seat so that its existence may not be felt by the human body seated on the seat” (emphasis added) (Col. 25, Lines 62–64).

Watanabe does not, however, disclose “providing an immobilizing device which holds a portion of the user’s body immobile.” Rather, the seat in Watanabe does not immobilize a user positioned on the seat but allows for free movement by the user.

Furthermore, Watanabe does not disclose the vibrating device recited in Claim 10. In particular, Watanabe does not disclose “a vibrating device disposed substantially adjacent to a nerve spindle of a muscle of the user’s body.” Rather, the vibration detection devices in Watanabe are disposed so as to not be felt by one positioned on the seat.

Thus, Applicant respectfully submits that Watanabe fails to disclose every element of Claim 10, and Applicant respectfully requests that the rejection of Claim 10 be withdrawn.

#### **4. Claims 11–14**

Claims 11–14, which depend from Claim 10 and include all the limitations of Claim 10, are believed to be patentable for the same reasons stated above with respect to Claim 10 and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 11–14 and the Examiner’s characterization of the cited reference as applied to Claims 11–14. Since the prior art reference fails to disclose every element of Claims 11–14, Applicant respectfully requests that the rejection of Claims 11–14 be withdrawn.

#### **5. Claim 15**

With respect to Claim 15, Examiner asserts that Tremblay teaches “[a] method for providing an indication to a user that his body has moved when it has not.” In particular, the Examiner asserts that Tremblay discloses “detecting the intended motion of a portion of the user’s body” and “providing sensory feedback, which is a reflection of the intended motion.”

Applicant respectfully traverses this rejection and the Examiner's characterization of the cited reference. In addition, Claim 15 has been clarified without altering its scope. Claim 15 now recites, among other things, "preventing an intended motion of a portion of a user's body, wherein the portion of the user's body is substantially immobilized." This clarification is not made for patentability purposes, and it believed that the claim would satisfy the statutory requirements for patentability without the entry of such clarification.

Tremblay does not appear to disclose "preventing an intended motion of a portion of a user's body, wherein the portion of the user's body is substantially immobilized." In Col. 17, Lines 34–67, cited by the Examiner, Tremblay discloses "[a]n instrumented glove, optionally comprising a joint angle sensor and spatial position sensor, [that is used to] to simulate the position and motion of a virtual hand." Motion of the virtual hand corresponds to movement of the user's actual hand (see Col. 17, Lines 58–59), wherein the user's actual hand is not substantially immobilized. Tremblay does not appear to discuss "preventing an intended motion of a portion of a user's body, wherein the portion of the user's body is substantially immobilized." Rather, the simulation in Tremblay is based on motion of a portion of the user's body.

Accordingly, Applicant respectfully submits that Tremblay fails to disclose every element of Claim 15, and Applicant respectfully requests that the rejection of Claim 15 be withdrawn.

#### **6. Claims 16–22**

Claims 16–22, which depend from Claim 15 and include all the limitations of Claim 15, are believed to be patentable for the same reasons stated above with respect to Claim 15 and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 16–22 and the Examiner's characterization of the cited reference as applied to Claims 16–22. Since the prior art reference fails to teach or suggest every element of Claims 16–22, Applicant respectfully requests that the rejection of Claims 16–22 be withdrawn.

#### **7. Claim 52**

With respect to Claim 52, the Examiner asserts that Tremblay teaches "a method for a user to control an environment simulated on a computer system where the user is



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modeled within the simulated environment.” In particular, the Examiner asserts that Tremblay discloses “providing at least one immobilizing device which restricts the motion of at least a portion of the user’s body” and “detecting the forces exerted by the immobilized portion of the user’s body against the immobilizing device.”

Applicant respectfully traverses this rejection and the Examiner’s characterization of the cited reference. As previously discussed in Applicant’s Response to Office Action Mailed April 1, 2004, Tremblay does not appear to disclose “providing at least one immobilizing device which restricts the motion of at least a portion of the user’s body.” The Examiner, in the pending Office Action, does not respond to Applicant’s previous request for the Examiner to identify a specific passage in Tremblay that teaches such an element. In addition, as discussed above with respect to Claim 15, Tremblay appears to disclose a system that produces movement of a virtual hand based on motion of the user’s actual hand, wherein the user’s actual hand is not immobilized. No use of an immobilizing device appears to be disclosed. In addition, Tremblay does not appear to teach the “detecting [of] forces exerted by the immobilized portion of the user’s body against the immobilizing device.”

Thus, Applicant respectfully submits that Tremblay fails to disclose every element of Claim 52, and Applicant respectfully requests that the rejection of Claim 52 be withdrawn.

#### **8. Claims 53–54**

Claims 53–54, which depend from Claim 52 and include all the limitations of Claim 52, are believed to be patentable for the same reasons stated above with respect to Claim 52 and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 53–54 and the Examiner’s characterization of the cited reference as applied to Claims 53–54. Since the prior art reference fails to teach or suggest every element of Claims 53–54, Applicant respectfully requests that the rejection of Claims 53–54 be withdrawn.

#### **D. REJECTION OF CLAIMS 1–5 and 23–51 UNDER 35 U.S.C. § 103(a)**

The Examiner rejects Claims 1–5 under 35 U.S.C. § 103(a) as being unpatentable over Macri in view of Watanabe. The Examiner rejects Claims 23–34 and 39–44 under 35 U.S.C. § 103(a) as being unpatentable over Macri et al. in view of

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Watanabe and in further view of Maguire. The Examiner further rejects Claims 35–38 and 45–51 under 35 U.S.C. § 103(a) as being unpatentable over Macri in view of Watanabe and in further view of Maguire with Kramer.

**1. Claim 1**

With respect to Claim 1, the Examiner asserts that Macri teaches “the simulation of physical movements with, subsequently, the use of a joystick and other input devices in which the user has control of images.” The Examiner recognizes, however, that Macri “doesn’t teach human simulation via motion sensors.” The Examiner then asserts that Watanabe discloses “an immobilizing device, which restricts the motion of a portion of the user’s body” and “a sensory feedback device, which provides a sensation to the user corresponding to the motion which occurs in the simulated environment.”

Applicant respectfully traverses this rejection and the Examiner’s characterization of the cited references. In particular, neither of the cited references appears to teach or suggest “an immobilizing device which restricts the motion of a portion of a user’s body.” As discussed above with respect to Claim 6, Watanabe does not teach or suggest an immobilizing device. Rather, the seat in Watanabe allows for motion of the user positioned on the seat.

Furthermore, neither reference teaches or suggests “a sensory feedback device, which provides a sensation to the user corresponding to the motion which occurs in the simulated environment.” Rather, in Col. 16, Lines 5–22 cited by the Examiner, Watanabe discloses that vibration of a human body sitting on a seat 19 causes vibration of a seat pad 16, which in turn causes vibration of a piezoelectric element 5”. This portion cited by Watanabe does not appear to disclose any type of sensory feedback device that provides a sensation to the user corresponding to motion that occurs in a simulated environment.

Furthermore, the Examiner impermissibly relies on references that are not analogous prior art to the Applicant’s claimed subject matter (see M.P.E.P. § 2141.01(a)) and impermissibly combines such references. In particular, Macri concerns the simulation of physical movements with the use of a joystick and other input devices in which the user has control of images. Watanabe, on the other hand, discloses a vibration detection sensor for use in, for example, automobile seats. It is

not sufficient for the Examiner to apply hindsight to piece together prior art to show the teaching of Applicant's invention. It is not permissible to reconstruct the patentee's claimed invention from the prior art by using the patentee's claim as a "blueprint." When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 U.S.P.Q. 543 (Fed. Cir. 1985); See also M.P.E.P. § 2145(X)(A).

Thus, Applicant respectfully submits that Macri, alone or in view of Watanabe, fails to teach or suggest every element of Claim 1, and Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

## **2. Claims 2–5**

Claims 2–5, which depend from Claim 1 and include all the limitations of Claim 1, are believed to be patentable for the same reasons stated above with respect to Claim 1, and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 2–5 and the Examiner's characterization of the cited references as applied to Claims 2–5. Since the prior art references fail to teach or suggest every element of Claims 2–5, Applicant respectfully requests that the rejection of Claims 2–5 be withdrawn.

## **3. Claim 23**

With respect to Claim 23, the Examiner asserts that the combination of Macri, Watanabe and Maguire teaches:

[A]n immobilizing device, a processing unit, and an output system, the immobilizing device holding the head of a user in a substantially fixed position with respect to the user's torso and further comprising sensors. . . and the processing unit calculating the effect of the force [in attempting to move the user's head] in a simulated environment and presenting this effect in the simulated environment to the user via the output system.

Applicant respectfully traverses this rejection and the Examiner's characterization of the cited references. For example, none of the cited references appears to disclose an immobilizing device. The Examiner cites Col. 14, Lines 8–11 of Watanabe, which states that "if the acceleration sensors 5' are disposed at the back side only or at the back rest side only for detecting the vibration of the human body, the required

performance can be exhibited.” This passage does not teach or suggest an immobilizing device. Rather, this passage appears to disclose locations on a seat where acceleration sensors can be positioned so as to detect vibration of a human positioned on the seat.

In addition, the cited references do not appear to further teach an immobilizing device that holds “the head of a user in substantially a fixed position with respect to the user’s torso and further comprising sensors.” In the Office Action, the Examiner cites Figure 1 and Col. 3, Lines 51–60 of Maguire for disclosing “holding the head of a user.” Though Applicant agrees that Figure 1 of Maguire shows a helmet that can be worn on the head of a user, Maguire does not teach or suggest the claimed limitation of “immobilizing device holding the head of a user in a substantially fixed position with respect to the user’s torso and further comprising sensors.” Rather, Maguire appears to disclose that helmet 3 (having sensors) of Figure 1 is worn by a user (an “observer”) who is free to move his head in various directions while another individual (a “viewer”) wearing helmet 4 (not having sensors) experiences movements emulative of the movements of the observer.

Furthermore, it is not sufficient for the Examiner to apply hindsight to piece together these three references to show such a teaching. It is not permissible to reconstruct the patentee’s claimed invention from the prior art by using the patentee’s claim as a “blueprint.” When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 U.S.P.Q. 543 (Fed. Cir. 1985); See also M.P.E.P. § 2145(X)(A).

Thus, Applicant respectfully submits that Macri, Watanabe, and Maguire, alone or in combination, fail to teach or suggest every element of Claim 23, and Applicant respectfully requests that the rejection of Claim 23 be withdrawn.

#### **4. Claims 24–34 and 39–44**

Claims 24–34 and 39–44, which depend from Claim 23 and include all the limitations of Claim 23, are believed to be patentable for the same reasons stated above with respect to Claim 23, and because of the additional limitations set forth

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therein. In addition, Applicant respectfully traverses the rejection of each of Claims 24–34 and 39–44 and the Examiner’s characterization of the cited references as applied to Claims 24–34 and 39–44. Since the prior art references fail to teach or suggest every element of Claims 24–34 and 39–44, Applicant respectfully requests that the rejection of Claims 24–34 and 39–44 be withdrawn.

**5. Claims 35–38**

Claims 35–38, which depend from Claim 23 and include all the limitations of Claim 23, are believed to be patentable for the same reasons stated above with respect to Claim 23, and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 35–38 and the Examiner’s characterization of the cited references as applied to Claims 35–38.

The Examiner’s addition of Kramer to the combination of references does not render obvious Claims 35–38. For example, with respect to Claim 35, the Examiner cites Kramer for disclosing:

. . . at least one additional immobilizing device which holds an arm of the user from the elbow to the hand in a substantially fixed position with respect to the torso of the user and which further comprises sensors disposed so as to measure the forces exerted by the arm of the user at least at a point near the elbow of the user and at a point near the wrist of the user.

However, the portion of Kramer cited by the Examiner (Col. 8, Lines 45–59) discloses generally that “the sensing and structures described for the feedback glove may be translated to other body parts.” This general description does not teach or suggest the claim limitation recited above.

Since the prior art references fail to teach or suggest every element of Claims 35–38, Applicant respectfully requests that the rejection of Claims 35–38 be withdrawn.

**6. Claim 45**

With respect to Claim 45, the Examiner asserts generally that Maguire, Macri and Watanabe disclose “an immobilizing device which holds a portion of the body of a user of the system in a substantially fixed position.” The Examiner then asserts that Kramer discloses “the immobilizing device comprising sensors and vibration devices.”

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Applicant respectfully traverses this rejection and the Examiner's characterization of the cited references. For example, as discussed above with respect to Claim 23, neither Maguire, Macri nor Watanabe discloses "an immobilizing device which holds a portion of the body of a user of the system in a substantially fixed position." Furthermore, Applicant is unable to find in Kramer the teaching of an immobilizing device comprising vibration devices. If the Examiner maintains this rejection, Applicant respectfully requests the Examiner to identify specific passages in Kramer that disclose the use of vibration devices.

In addition, it appears that the Examiner did not address the other recited claim limitations of Claim 45. In particular, a portion of Claim 45 reads as follows:

... the sensors sending signals representing the magnitude and direction of these forces to the computer, and the vibration devices disposed upon the muscles of the user and controlled by the computer so as to provide sensations which mimic the sensations which would be felt if the attempted motion had occurred.

If the Examiner maintains the rejection of Claim 45 under 35 U.S.C. § 103(a), Applicant respectfully requests the Examiner to identify specific portions in the cited reference that teach or suggest the above-identified claim limitation.

Furthermore, it is not sufficient for the Examiner to apply hindsight to piece together these four references to show a teaching of the elements of Claim 45. It is not permissible to reconstruct the patentee's claimed invention from the prior art by using the patentee's claim as a "blueprint." When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 U.S.P.Q. 543 (Fed. Cir. 1985); See also M.P.E.P. § 2145(X)(A).

Thus, Applicant respectfully submits that the cited references, alone or in combination, fail to teach or suggest every element of Claim 45, and Applicant respectfully requests that the rejection of Claim 45 be withdrawn.

#### **7. Claims 46–51**

Claims 46–51, which depend from Claim 45 and include all the limitations of Claim 45, are believed to be patentable for the same reasons stated above with respect

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to Claim 45, and because of the additional limitations set forth therein. In addition, Applicant respectfully traverses the rejection of each of Claims 46-51 and the Examiner's characterization of the cited references as applied to Claims 46-51. Since the prior art references fail to teach or suggest every element of Claims 46-51, Applicant respectfully requests that the rejection of Claims 46-51 be withdrawn.


#### IV. CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time or credit overpayment, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/24/05

By: 

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